

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DAVID CARLTON BROWN,

Petitioner,

vs.

M.E. POULOS, Warden, et al.,

Respondents.

CASE NO. 08 CV 17 JM (NLS)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION;  
DENYING MOTIONS FOR  
RECONSIDERATION AND  
APPOINTMENT OF COUNSEL**

Doc. No. 39

On November 24, 2009, Magistrate Judge Nita L. Stormes entered a Report and Recommendation. (Doc. No. 39). The Report and Recommendation, expressly incorporated herein, thoroughly and thoughtfully analyzed Petitioner's claims and recommended that Petitioner's petition for writ of habeas corpus (Doc. No. 1) be denied. Petitioner filed objections to the Report and Recommendation. (Doc. No. 40). Pursuant to Local Rule 7.1(d)(1), this matter is appropriate for decision without oral argument.

In his objections, Petitioner sets forth essentially the same arguments raised in his original petition. As the Report and Recommendation fully and properly responds to these arguments, the court hereby adopts the Report and Recommendation in its entirety. Petitioner's petition for writ of habeas corpus is DENIED.

In his objections to the Report and Recommendation, Petitioner requests reconsideration of the writ of habeas corpus and appointment of counsel. As the court denies the petition, these requests

1 are moot. Therefore, the court hereby DENIES Petitioner's request for reconsideration and for  
2 appointment of counsel.

3 **IT IS SO ORDERED.**

4 DATED: February 12, 2010



5  
6 Hon. Jeffrey T. Miller  
United States District Judge

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28